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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 GILBERT P. HYATT,

2:14-CV-11 JCM (NJK)

9 Plaintiff(s),

10 v.

11 UNITED STATES PATENT AND
12 TRADEMARK OFFICE and
13 MICHELLE K. LEE IN HER
OFFICIAL CAPACITY,

14 Defendant(s).
15

16 ORDER

17 Presently before the court is the matter of *Hyatt v. United States Patent and Trademark*
18 *Office, et al*, case no. 2:14-cv-11-JCM-NJK.

19 On March 10, 2014, defendants filed a motion to dismiss. (Doc. # 14). Before that motion
20 was fully briefed and ripe for review, plaintiff filed an unopposed motion to amend the complaint.
21 (Doc. # 20). With good cause appearing, and in light of plaintiff's representation that his request is
22 unopposed, the court grants the motion to amend.

23 An amended complaint supersedes the original pleading, making it "non-existent." *Valadez-*
24 *Lopez v. Chertoff*, 656 F.3d 851,857 (9th Cir. 2011). If a litigant files an amended
25 pleading, then motions to dismiss the original complaint are mooted without prejudice. *Johnson v.*
26 *Cheryl*, 2013 WL 3943606, at *2 (D. Nev. 2013).

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1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's unopposed motion
3 to amend the complaint (doc. # 20) be, and the same hereby is, GRANTED. The plaintiff shall file
4 the proposed amended complaint attached as exhibit A to the motion.

5 IT IS FURTHER ORDERED that defendants' motion to dismiss (doc. # 14) be, and the same
6 hereby is, DENIED without prejudice.

7 DATED April 23, 2014.

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10 **UNITED STATES DISTRICT JUDGE**